



## **VI-1.60(A) POLICY AND PROCEDURES ON SEXUAL HARASSMENT AND OTHER SEXUAL MISCONDUCT**

(Approved on an interim basis October 2014; Amended and approved October 21, 2015; Amended and approved September 2019; Amended and approved on an interim basis August 14, 2020<sup>1</sup>; Amended and approved by the President November 2, 2021)

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### **Procedures**

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<sup>1</sup> This amendment is effective August 14, 2020. On May 6, 2020, the United States Department of Education released new Title IX regulations, effective August 14, 2020 (2020 Title IX Regulations). The 2020 Title IX Regulations require certain provisions of this amended Policy and Procedures. Should a court strike down, either temporarily or permanently, any portion of the 2020 Title IX Regulations, Coppin State University may make modifications to this Policy and Procedures, which will become effective immediately. The University may also revert back to the September 2019, version of this Policy and Procedures.

## **I. Purpose**

Coppin State University (University) is committed to providing a working and learning environment free from all forms of Sexual Harassment,<sup>2</sup> Other Sexual Misconduct, and Retaliation. The University accomplishes this through training, education, prevention programs, policies and procedures that promote prompt reporting and response, provide support to persons alleged to be victimized, prohibit Retaliation, and implement timely, fair, and impartial investigations and resolutions that ensure due process and remedy Policy violations. Sexual Harassment, Other Sexual Misconduct, and Retaliation will not be tolerated in any form. This Prohibited Conduct corrupts the integrity of the educational process and work environment and violates the core mission and values of the University. Creating an environment free from this Prohibited Conduct is the responsibility of all members of the Campus community. The entire Campus community plays an important role in maintaining a respectful, inclusive, and safe working and learning environment. The University encourages bystander intervention amongst members of the campuscommunity to help prevent harmful situations from occurring or escalating.

The University's comprehensive response includes responding to reports and complaints of Prohibited Conduct under this Policy and taking appropriate steps to eliminate Prohibited Conduct, prevent its recurrence, and address its effects. The purpose of this Policy and Procedures is to describe the Prohibited Conduct, describe how to report or file a complaint, provide the procedures for investigating and resolving complaints, and identify the available resources and educational training programs.

Nothing in this Policy and Procedures should be interpreted to abridge academic freedom or principles of free speech. The University will not condone behavior that violates the freedom of speech, choice, assembly, or movement of other individuals or organizations. In short, responsible dissent carries with it sensitivity for the civil rights of others.

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the alleged Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The Procedures under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the alleged incident(s) occurred.

## **II. Applicability**

This Policy prohibits Sexual Harassment, Other Sexual Misconduct, and Retaliation. This Prohibited Conduct may be a form of sex discrimination prohibited by federal and state discrimination laws, including Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act (Title VII).

This Policy addresses the University's obligations under Title IX. Title IX provides, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving

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<sup>2</sup> Capitalized terms are defined in this Policy in the Definitions and Prohibited Conduct sections.

Federal financial assistance.” Federal regulations implementing Title IX require that the University follow certain procedures when the University obtains Actual Knowledge of Sexual Harassment in its Education Program or Activity against a person in the United States.

This Policy also addresses allegations of Other Sexual Misconduct, which includes Sexual Harassment that occurred against a person outside of the United States or not within an Education Program or Activity; Sexual Coercion; Sexual Exploitation; Sexual Intimidation; Attempted Sexual Assault; and Other Sex-based Offenses. Retaliation is also addressed.

This Policy applies to all members of the Campus community, including students, faculty, and staff. It also applies to contractors and other third parties who are engaged in any University Education Program or Activity, or who are otherwise interacting with the University, including, but not limited to volunteers, vendors, and visitors. All University members are prohibited from engaging in, or assisting or abetting another’s engagement in Sexual Harassment, Other Sexual Misconduct, or Retaliation.

This Policy satisfies the University’s obligations under Maryland law and University System of Maryland Policy VI-1.60. To the extent any provision of this Policy conflicts with any other University policy, this Policy controls. Prohibited Conduct under this Policy may also be sex discrimination in violation of *VI-1.00(B) Coppin State University Non-Discrimination Policy and Procedures*. However, this Policy and Procedures supersedes *VI-1.00(B) Coppin State University Non-Discrimination Policy and Procedures* with respect to allegations of Prohibited Conduct addressed by this Policy. The University will respond to reports and complaints of Prohibited Conduct in accordance with this Policy and Procedures.

### **III. Jurisdiction**

This Policy applies to reported acts of Prohibited Conduct committed by or against students, faculty, staff and third parties when:

- conduct occurs on University premises, in any University facility, or on property owned or controlled by the University;
- conduct occurs in the context of a University Education Program or Activity, including, but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, online or internship programs or activities;
- conduct occurs outside the context of a University Education Program or Activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on University premises or other property owned or controlled by the University or in any University Education Program or Activity; or
- conduct otherwise threatens the health and/or safety of University members

The University does not have jurisdiction to investigate reported incidents involving members of the Campus community that occurred prior to the individual being enrolled at or employed by the University when the incident did not occur on campus or otherwise in connection with a University Education Program or Activity. The University may, however, be able to assist individuals with Supportive Measures where such an incident is reported.

## **IV. Reporting**

### **A. General**

Any person may report Prohibited Conduct at any time by contacting the Title IX Coordinator or Deputy Coordinators listed below, regardless of whether the reporting person is the Complainant.

Katsura Kurita, J.D./M.S.  
Title IX Coordinator  
Coppin State University  
Office of Title IX Compliance  
2500 West North Avenue, Baltimore, MD 21216  
Physical Education Complex (PEC), Room 219/224  
(410) 951-6543  
TitleIXCoordinator@coppin.edu

Lisa Horne Early, Ph.D.  
Title IX Deputy for Employees  
Coppin State University  
Human Resources  
2500 West North Avenue, Baltimore, MD 21216  
Physical Education Complex (PEC), Room 348  
(410) 951-3666  
learly@coppin.edu

Nichole Person, M.S.  
Title IX Deputy for Student-Athletes  
Coppin State University  
Department of Athletics  
2500 West North Avenue, Baltimore, MD 21216  
Physical Education Complex (PEC), Room 306  
(410) 951-3732  
nperson@coppin.edu

The Title IX Coordinator is responsible for coordinating the University's efforts to comply with Title IX and this Policy. The Title IX Coordinator leads, coordinates, and oversees the University's efforts regarding compliance training, prevention programming, and educational programs. The Title IX Coordinator is available to meet with any student, employee, or third party to answer any questions about this Policy.

Any person may also report Prohibited Conduct to a Responsible Employee (RE) including but not limited to Coppin State University Police Department (CSUPD), or to a confidential resource. See Section IX of this Policy for more information on reporting to confidential resources.

A **Responsible Employee** (as defined in Section VI) must promptly notify the Title IX Coordinator of any report of Prohibited Conduct brought to their attention.<sup>3</sup> The Title IX Coordinator works collaboratively with the reporting party or entity, making every effort to operate with discretion and maintain the privacy of the individuals involved. No employee (other than CSUPD) is authorized to investigate or resolve reports of Prohibited Conduct without the involvement of the Title IX Coordinator.

Concerns of bias or a potential conflict of interest by any member involved in the resolution process should be raised with the Title IX Coordinator. Concerns involving bias or conflict of interest by the Title IX Coordinator will be addressed to the General Counsel to the President or designee.

All persons are encouraged to report Prohibited Conduct promptly in order to maximize the University's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial investigation. While there are no time limits to reporting Prohibited Conduct, if too much time has passed since the incident occurred, the delay may result in loss of relevant evidence and witness testimony, impairing the University's ability to respond and take appropriate action.

## **B. Reporting to the Police**

Prohibited Conduct, particularly Sexual Assault, may be a crime. The University will assist Complainants who wish to report Prohibited Conduct to law enforcement authorities, including CSUPD 24 hours a day/7 days a week. Representatives of the Office of Student Conduct and Residence Life are available to assist students with reporting to CSUPD.

To report to CSUPD, please call 410-951-3911. CSUPD will also assist Complainants in notifying other law enforcement authorities in other jurisdictions, as appropriate; and can also assist with transportation to the nearest hospital for appropriate medical attention. In an emergency, regardless of where the incident occurred, **Call 911**.

Standards for a violation of criminal law are different from the standards for a violation of this Policy, and conduct may violate this Policy even if law enforcement authorities decline to prosecute. Complaints of Sexual Harassment and Other Sexual Misconduct and related internal University processes may occur prior to, concurrent with, or following criminal proceedings off campus.

CSUPD are Responsible Employees under this Policy and are required to notify the Title IX Coordinator of any report of Prohibited Conduct.

## **C. Preservation of Evidence for Other Proceedings**

In addition to prompt reporting, the preservation of physical and other evidence may be important to prove criminal conduct or to obtain a civil or criminal order of protection. Individuals who have been sexually assaulted may find it helpful to visit the following site for recommendations about

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<sup>3</sup> University employees may have additional reporting obligations under *VI-1.50(A) Coppin State University Policy on the Reporting of Suspected Child Abuse and Neglect*.

evidence preservation: <https://bmoresafemeracy.org/for-patients>

#### **D. Clery Act Timely Warnings**

If a report of Prohibited Conduct discloses a serious and ongoing threat to the Campus community, CSUPD may issue a timely warning of the conduct in compliance with the Clery Act in the interest of the health and safety of the Campus community. This notice will not contain any personally identifying information related to the Parties.

#### **V. Amnesty for Students Who Report Prohibited Conduct**

The University recognizes that a student who is under the influence of alcohol and/or drugs when an incident of Prohibited Conduct occurs may be reluctant to report the Prohibited Conduct out of concern that the student may face disciplinary actions for engaging in prohibited alcohol or drug use. As such, a student who reports Prohibited Conduct to the University or law enforcement, or who participates in an investigation either as a Complainant or witness, will not face disciplinary action for violating University drug and alcohol policies. This Amnesty provision applies only when the University determines that: (1) the drug/alcohol violation occurred during or near the time of the reported Prohibited Conduct; (2) the student acted in good faith in reporting or participating as a witness; and (3) the violation was not likely to place the health or safety of another individual at risk.

#### **VI. Definitions**

For purposes of this Policy and Procedures, the following definitions apply:

**“Actual Knowledge”** means notice of Sexual Harassment or allegations of Sexual Harassment to the Title IX Coordinator or any University official who has authority to institute corrective measures on behalf of the University.

**“Advisor”** means a person chosen by a Party to provide advice and consultation to that Party, in accordance with this Policy and Procedures. An Advisor may be an attorney or another individual. An Advisor cannot be a witness or provide evidence in a case. A Party’s Advisor also conducts cross-examination on behalf of that Party at a Hearing, if applicable, in accordance with this Policy and Procedures. An Advisor shall not be an active participant or speak on behalf of a Party except for the purpose of providing cross-examination at a Hearing. If a Party does not have an Advisor, the University will provide without fee or charge to that Party, an Advisor of the University’s choice, to conduct cross-examination on behalf of that Party; an Advisor appointed by the University acts in a confidential capacity on behalf of the Party and is not otherwise involved in the proceedings.

**“Appellate Hearing Officer”** means an individual designated to review decisions concerning responsibility and sanctions, based on the Respondent’s status as a student, staff member, or faculty member. Appellate Hearing Officers shall have had no previous involvement with the substance of the Formal Complaint.

**“Complainant”** means the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

**“Consent”** means a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make a rational, reasonable judgment can give Consent. Consent may be expressed either by words and/or actions, as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that the person has Consent from the other party, and that the other party is capable of providing Consent.

- Lack of protest or resistance is not Consent. Nor may silence, in and of itself, be interpreted as Consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding.
- Previous relationships, including past sexual relationships, do not imply Consent to future sexual acts.
- Consent to one form of sexual activity cannot automatically imply Consent to other forms of sexual activity.
- Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is Consent or whether prior Consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.
- Consent cannot be obtained by use of physical force or Sexual Coercion.
- An individual who is Incapacitated is unable to give Consent.

**“Day”** means a business day when the University is not closed.

**“Education Program or Activity”** means all of the University’s operations (including but not limited to employment); locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs; and also includes any building owned or controlled by a student organization that is officially recognized by the University.

**“Formal Complaint”** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University proceed with the resolution process. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or any additional method designated by the University in accordance with the Procedures.

- **“Document filed by a Complainant”** means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party.

**“Hearing”** means a live, formal proceeding attended by the Parties in which evidence is presented, witnesses are heard, and cross-examination occurs, prior to the Hearing Officer’s decision concerning responsibility and Sanctions, if applicable.

**“Hearing Officer”** means an individual designated to preside over the Hearing and has decision-making and sanctioning authority within the adjudication process.

**“Incapacitated”** means an individual’s decision-making ability is impaired such that the individual is incapable of understanding the “who, what, where, why, or how” of their sexual interaction/encounter. A person may be Incapacitated if they are asleep, unconscious, coming in and out of consciousness, being physical restrained by another person or device (e.g., handcuffs, rope, tape), or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a temporary or permanent mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the primary causes of Incapacitation. Being “drunk” or “high”, by most individuals’ understanding, is not the same as being Incapacitated. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs results in a person being unable to:

- make decisions about the potential consequences of sexual contact;
- evaluate one’s own conduct;
- communicate to another person, Consent to sexual contact; or
- communicate an unwillingness to another person, to engage in sexual contact.

**“Informal Resolution”** means a broad range of conflict resolution strategies, including, but not limited to, mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and remedies.

**“Investigator”** means a trained University faculty or staff member or third-party contractor designated to conduct an impartial, fair, and unbiased investigation into an alleged violation of this Policy.

**“No Contact Order”** means an official directive that serves as notice to an individual that the individual must not have verbal, electronic, written, or third-party communications with another individual.

**“Party”** means the Complainant or the Respondent (collectively, the “Parties”).

**“Preponderance of Evidence”** means that it is more likely than not that a Policy violation has occurred.

**“Remedies”** means actions designed to restore or preserve the Complainant’s equal access to the University’s Education Program or Activity. Remedies are similar to Supportive Measures but may be punitive and burden the Respondent.

**“Respondent”** means the individual alleged to have engaged in Prohibited Conduct under this Policy.

**“Responsible Employee”** means all University administrators, supervisors, faculty members, CSUPD, athletic coaches, athletic trainers, and resident assistants, who are not confidential resources.

**“Sanctions”** means disciplinary and other consequences imposed on a Respondent who is



found to have violated this Policy.

**“Support Person”** means a person chosen by the Complainant or Respondent to provide emotional, logistical, or other kinds of assistance. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the Party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant or a witness, and the Parties must speak for themselves.

**“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent to restore or preserve equal access to Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or to deter Prohibited Conduct under this Policy.

## **VII. Prohibited Conduct**

This Policy prohibits Sexual Harassment, Other Sexual Misconduct, and Retaliation as set forth below. Prohibited Conduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Prohibited Conduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression.

**A. Sexual Harassment**<sup>4</sup> means conduct on the basis of sex that satisfies one or more of the following:

**(1) Quid Pro Quo:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.

**(2) Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity.

**(3) Sexual Assault:** An offense classified as a sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sex Offenses are any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent; also, unlawful sexual intercourse (Incest or Statutory Rape).

**(a) Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

**(b) Sodomy:** Oral or anal sexual intercourse with another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

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<sup>4</sup> See 34 C.F.R. § 106.30 (defining “Sexual Harassment” under Title IX).

- (c) **Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - (d) **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - (e) **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - (f) **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.<sup>5</sup>
- (4) **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.
  - (5) **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Maryland, or by any other person against an adult or youth Complainant protected from that person's acts under the domestic or family violence laws of Maryland.
  - (6) **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for their own safety or the safety of others; or (2) suffer substantial emotional distress.

**B. Other Sexual Misconduct** means the following conduct:

- (1) **Sexual Harassment** that occurred against a person outside of the United States or not within an Education Program or Activity.
- (2) **Sexual Coercion:** The use of unreasonable pressure in an effort to compel another individual to initiate or continue sexual activity against the individual's will. A person's words or conduct are sufficient to constitute Sexual Coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Sexual Coercion includes but is not limited to intimidation, manipulation, express or implied threats of emotional or physical harm, and/or blackmail. Examples of Sexual Coercion include but are not limited to causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.
- (3) **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone

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<sup>5</sup> The statutory age of consent in Maryland is 16. See Md. Code Ann., Crim. Law §§ 3-301 to -307.

other than the person being exploited.

- (4) **Sexual Intimidation:** Threatening behavior of a sexual nature directed at another person, such as threatening to sexually assault another person or engaging in indecent exposure.
- (5) **Attempted Sexual Assault:** An attempt to commit Sexual Assault.
- (6) **Other Sex-Based Offenses:** (a) Unwelcome sexual advances; (b) unwelcome requests for sexual favors; or (c) other behavior of a sexual or gender-based nature where: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, evaluation of academic work, or participation in a University-sponsored educational program or activity; (ii) submission to or rejection of such conduct by an individual is used as the basis for an academic, employment, or activity or program participation decision affecting that individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment.

C. **Retaliation** means intimidating, threatening, coercing, or discriminating against, or otherwise taking an adverse action against an individual for the purpose of interfering with any right or privilege secured by law or University policy relating to Prohibited Conduct, or because an individual has made a report, filed a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Prohibited Conduct. Adverse actions include but are not limited to impeding an individual's academic advancement; terminating, refusing to hire, or refusing to promote an individual; or transferring or assigning an individual to a lesser position in terms of wages, hours, job classification, or job security. Retaliation includes retaliatory harassment. Adverse actions, including charges against an individual for violations of other University policies that do not involve sex discrimination or Prohibited Conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Prohibited Conduct, for the purpose of interfering with any right or privilege secured by law, constitutes Retaliation. However, charging an individual with a violation of other University policies for making a materially false statement in bad faith in the course of a proceeding does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith. The exercise of rights protected under the First Amendment does not constitute Retaliation. The University will keep confidential, to the extent permitted by the Family Educational Rights and Privacy Act (FERPA), the identity of any individual who has made a report of Prohibited Conduct.

## VIII. Sanctions

As further explained in the Procedures, Sanctions for Respondents determined to have violated this Policy include, but are not limited to, the following:

**Students.** Students found in violation of this Policy are subject to Sanctions such as dismissal from the University (suspension or expulsion), suspension or removal from University housing, disciplinary probation, disciplinary warning, loss of privileges, administrative housing room relocation, housing probation, denial of re-contracting with University housing, denial of access to

campus grounds and/or buildings, fines, restitution, no contact order, and educational sanctions such as community service and mandatory and continuing participation in training on Prohibited Conduct and education programming, depending on the circumstances and nature of the violation.

**Employees.** Employees found in violation of this Policy are subject to Sanctions including counseling, verbal reprimand, written reprimand, suspension without pay, denial of a pay increase, demotion to a lower pay grade/classification, no contact order, education and training, denial of access to campus grounds and/or buildings, reassignment, and separation from employment, depending on the circumstances and nature of the violation.

## **IX. Confidential Resources**

Confidential resources on and off campus assist Parties in navigating potential advocacy, therapy, counseling, and emotional support services. If a person desires to keep an incident of Prohibited Conduct confidential, the person should speak with confidential resources.

Disclosures or reports made to individuals or entities other than confidential resources may not be confidential. For instance, should a member of the Campus community discuss an incident of Prohibited Conduct with a University administrator, supervisor, faculty member, CSUPD, athletic coach, athletic trainer, resident assistant, or first responder who is not a confidential resource, those persons are deemed Responsible Employees and, as such, are obligated pursuant to this Policy to report the Prohibited Conduct to the Title IX Coordinator.

Unless there is a lawful basis for disclosure, such as reported child abuse or an imminent risk to health or safety, confidentiality applies when persons seek services from the following resources:

### **A. University Confidential Resources**

#### **Employee Assistance Program (EAP)**

**GUIDANCE RESOURCES**

**1-855-410-7628**

[www.guidanceresources.com](http://www.guidanceresources.com)

(company ID: USMLifeResources)

24 hours a day, 7 days a week, all year long

The GuidanceResources provides confidential assessment, referral, and counseling service as well as legal support to all University employees and members of their household at no charge. Faculty and staff may consult with a counselor for many different reasons, including for issues relating to Prohibited Conduct.

#### **On Campus**

Coppin State University  
Center for Counseling and Student Development  
Millard Tawes Building, 1<sup>st</sup> Floor

Contact: Director of Counseling & Student Development  
(410) 951-3959/4264

The University Counseling Center provides counseling services to meet the mental health and developmental needs of students. Staffed by licensed counselors, the Counseling Center offers a variety of services to help students deal with issues concerning them.

Coppin State University Community Health Center  
Health and Human Services Building, Room 131  
Contact: Director of Community Health Center  
(410) 951-4188

The Community Health Center is a primary care health clinic located on campus in the Health and Human Services Building. It provides readily accessible, low cost, confidential, and high quality of medical care to University students, faculty, staff, and residents of the neighborhood surrounding the University.

**B. Confidential Resources Off-Campus include, but are not limited to:**

TurnAround Sexual Assault/Domestic Violence Center  
Baltimore City  
One North Charles Street, 1<sup>st</sup> Floor, Baltimore, Maryland 21218  
(410) 837-7000  
**24 Hour Hotline:** (443) 279-0379  
<http://www.turnaroundinc.org/>

TurnAround Sexual Assault/Domestic Violence Center  
Baltimore County  
8503 LaSalle Road, 2<sup>nd</sup> Floor, Towson, Maryland 21286  
(410) 377-8111  
**24 Hour Hotline:** (443) 279-0379  
<http://www.turnaroundinc.org/>

House of Ruth  
2201 Argonne Drive Baltimore, Maryland 21218  
(410) 889-0840  
**24 Hour Helpline:** (410) 889-7884  
<https://hruth.org/get-help/>

Maryland Coalition Against Sexual Assault  
<https://mcasa.org/survivors/after-sexual-assault>

Maryland Network Against Domestic Violence  
**24 Hour Helpline:** 1-800-799-7233  
<https://www.mnadv.org/>

National Domestic Violence Hotline

**24 Hour Text:** Text “Start” to 88788

<http://www.thehotline.org/>

LGBTQ Survivors of Sexual Violence

<https://www.rainn.org/articles/lgbtq-survivors-sexual-violence>

Maryland Domestic Resources by County

[https://health.maryland.gov/phpa/mch/Pages/IPV\\_Programs.aspx](https://health.maryland.gov/phpa/mch/Pages/IPV_Programs.aspx)

1 and 6 - Male Survivors of Rape and Sexual Abuse

<https://1in6.org/about-1in6/>

Rape Abuse and Incest National Network (RAINN)

<http://www.rainn.org>

Mercy Hospital Forensic Nurse Examiner Program (provides care to victims of sexual, domestic, child, elder and institutional violence).

Mercy Medical Center (Hospital)

301 St. Paul Street

Baltimore, Maryland 21202

Contact: Debra Holbrook

(410) 332-9494

Mercy provides information for victims of sexual assault and violence, about the Forensic Nurse Examiner Program: <https://bmoresafemercy.org/for-patients/>, including:

- Measures to take if you have been sexually assaulted and are considering going to Mercy for an examination (i.e., not showering, not using the toilet if you think you have been drugged, not eating or drinking before the exam)
- What to expect at the exam
- What to expect after the exam

Mercy Family Violence Response Program (provides confidential services to patients and employees who are victims of violence, abuse and neglect, sexual assault and vulnerable adult abuse. They offer counseling, crisis intervention, safety planning, danger assessment, counseling and other support services.

Mercy Medical Center

301 St. Paul Street

Baltimore, Maryland 21202

Contact: Tania Araya

(410) 332-9470

University of Maryland, Pediatrics Department (if the victim is under age 13)

22 South Greene Street

Baltimore, Maryland 21201

(410) 328-6335

## **Memorandum of Understanding with local Authorities and Hospitals**

MOU Concerning Law Enforcement Jurisdiction and Coordination of Services Between CSU Department of Public Safety and the Baltimore Police Department have been implemented.

### **X. Co-Occurring Criminal Action**

Proceeding with a University resolution of Prohibited Conduct under this Policy and Procedures is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from proceeding with a report or Formal Complaint of Prohibited Conduct under this Policy. The University is required to conduct an investigation in a timely manner, which means, in most cases, the University will not wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing Supportive Measures, and taking appropriate action.

However, at the request of law enforcement, the Title IX Coordinator may defer its fact gathering until the initial stages of a criminal investigation are complete. If such a request is made by CSUPD, then CSUPD will submit the request in writing and the Complainant will be notified. In addition, when possible, in cases where there is a co-occurring criminal investigation by CSUPD, Baltimore City Police, or the local prosecutor's office, the Title IX Coordinator will work collaboratively and supportively with each respective agency within the parameters outlined above. The Title IX Coordinator will communicate any necessary delays in the University's investigative process to both parties in the event of a deferral.

### **XI. Rights of Parties**

Parties will be treated with dignity, respect, and sensitivity by University officials during all phases of the process. The accompanying Procedures are designed to allow for a fair and impartial investigation, as well as prompt and equitable proceedings and resolutions that provide an opportunity for Parties to be heard.

Parties will be given timely written notice of:

- The reported violation, including the date, time and location, if known, of the alleged violation, and the range of potential Sanctions associated with the alleged violation;
- Their rights and responsibilities under this Policy and information regarding other civil and criminal options;
- The date, time, and location of each Hearing, meeting, or interview that the Party is required or permitted to attend;
- The final determination made by the Hearing Officer regarding whether a Policy violation occurred and the basis for the determination;
- Any Sanction imposed, as required by law; and
- The rights to appeal and a description of the appeal process.

Parties will be entitled to participate in the investigation and adjudication of the Formal Complaint in accordance with the Procedures. Parties will be provided with:

- Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Hearing Officer, with personally identifiable or other information redacted as required by applicable law;
- An opportunity to be heard through the process;
- An opportunity to offer testimony at a Hearing;
- An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other Party during the investigation, or to the other Party at a Hearing through the Party's Advisor for purposes of performing cross-examination;
- An opportunity to review testimony electronically or in a way in which the Parties are not required to be in the physical presence of one another;
- An opportunity to review and provide written responses to draft and final investigation reports;
- An opportunity to participate at a Hearing without being required to be in the physical presence of the other Party;
- An opportunity to appeal a determination and/or Sanction; and
- Notice, presented in an appropriate and sensitive format, before the start of the resolution process, of:
  - The Party's right to the assistance of an Advisor, including an attorney or advocate;
  - The legal service organizations and/or referral services available to the Party; and
  - The Party's right to have a Support Person of the Party's choice at any Hearing, meeting, or interview.

## **XII. False Statements**

Knowingly making false statements or knowingly submitting false information under this Policy and Procedures is prohibited.

## **XIII. Legal Representation Fund for Title IX Proceedings (Students Only)**

Student Complainants and Student Respondents may elect to retain an attorney to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current or former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC provides a list of licensed attorneys who have indicated that they may represent students in Title IX proceedings on a pro bono basis or for reduced legal fees. A student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding. More information is available on MHEC's website under "Title IX Campus Sexual Assault Proceedings: Attorney List" at <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx>.

## **XIV. Emergency Removals and Other Interim Measures**

### **A. Student Respondents**



An emergency removal (which may take the form of an interim suspension) is for the purpose of addressing imminent threats posed to any person's physical health or safety, which might arise out of reported Prohibited Conduct. The University may undertake emergency removal of a student Respondent for reasons arising from the alleged Prohibited Conduct when the University: 1) undertakes an individualized safety and risk analysis; 2) concludes that there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged Prohibited Conduct; and 3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The University will not remove a student from the University based solely on an accusation. The student will be offered an opportunity to meet with the Title IX Coordinator to review the reliability of the information within five (5) Days from the effective date of the emergency removal. However, there is no guarantee that the student will be permitted to return to campus.

The University may impose an interim disciplinary suspension on a student Respondent in accordance with the *Code of Student Conduct* for reasons not arising from the alleged Prohibited Conduct.

### **B. Staff and Faculty Respondents**

The University in consultation with the Title IX Coordinator, Deputy Title IX Coordinator for Employees, CSUPD, the employee's supervisor and/or applicable campus department may take interim measures such as changing a Respondent's work responsibilities or work location or placing the Respondent on leave during the resolution process. Such action may be appropriate when there is a legitimate concern that without interim measures: 1) the Respondent will engage in prohibited conduct while the investigation is ongoing, or 2) the Respondent would be unduly disruptive to University members or University activities or programs.

### **C. Third-Party Respondents**

University members who are neither students nor employees may be removed from their University role or a University program as an interim measure during the adjudication process at the discretion of the University and in consultation with the Title IX Coordinator.

## **XV. Consensual Relationships and Professional Conduct**

Sexual relationships that occur in the context of educational or employment supervision and evaluation present potential conflicts of interest. Relationships in which one party maintains a supervisory or evaluative responsibility over the other also reflect an imbalance of power, leading to doubt as to whether such relationships are truly consensual. For these reasons, the University *strongly* discourages such relationships.

Because of the potential conflicts of interest, persons involved in consensual sexual relationships with anyone over whom the person has supervisory and/or evaluative responsibilities *must inform their supervisor(s)* of the relationship(s). Supervisory or evaluative responsibilities may be reassigned, as appropriate. While no relationships are expressly prohibited by this Policy, failure to self-report such relationships in a timely manner, as required by this Policy, may result in disciplinary action.

## **XVI. Training**

### **A. Prevention and Awareness Education**

The University will develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Prohibited Conduct. At a minimum, these educational initiatives must contain information regarding what constitutes Sexual Harassment, definitions of consent and Prohibited Conduct, the University's Procedures, bystander intervention, risk reduction, and the consequences of engaging in Prohibited Conduct. These educational initiatives shall be for all incoming students and new employees. The University will also develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information. Educational initiatives for employees shall comply with Md. Code Ann., State Pers. & Pens. § 2-203.1.

### **B. Training for Personnel Involved in Response and Resolution**

All persons involved in responding to or resolving Prohibited Conduct reports will participate in training in handling complaints of Prohibited Conduct under this Policy. The University will make these training materials publicly available on its website.

The University will ensure that Title IX Coordinators, Investigators, Hearing Officers, Appellate Hearing Officers, and any person who facilitates an Informal Resolution process, receive training on the following: the definition of Prohibited Conduct; the scope of the University's Education Program or Activity; how to conduct a resolution process including investigation, Hearings, appeals, and Informal Resolution, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; technology to be used at a live hearing; and issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Any materials used to train Investigators will not rely on sex stereotypes and will promote impartial resolutions of Formal Complaints under this Policy.

## **XVII. Records Retention**

The University will maintain for a minimum of seven (7) years, records of the following:

1. **Investigations and Determinations.** Each Sexual Harassment investigation, including any determination regarding responsibility;
2. **Recordings and Transcripts.** Any audio or audiovisual recording or transcript required;
3. **Sanctions.** Any Sanctions imposed on the Respondent;
4. **Remedies.** Any Remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
5. **Appeals.** Any appeal and the result thereof;
6. **Informal Resolutions.** Any Informal Resolution and the result therefrom;
7. **Training Materials.** All materials used to train Title IX Coordinators, Investigators, Hearing Officers, and any person who facilitates an Informal Resolution process; and
8. **Supportive Measures.** Any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct. In each instance, the University must document the basis

for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its Education Program or Activity. If the University does not provide a Complainant with Supportive Measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

### **XVIII. External Government Agencies**

Employee complaints relating to Prohibited Conduct may be directed to:

**Equal Employment Opportunity Commission (EEOC)**  
GH Fallon Federal Building 31 Hopkins Plaza, Suite 1432  
Baltimore, MD 21201  
Phone: 1-800-669-4000  
Fax: 410-209-2221  
TTY: 1-800-669-6820  
Website: <https://www.eeoc.gov/filing-charge-discrimination>

**Maryland Commission on Civil Rights (MCCR)**  
William Donald Schaefer Tower  
6 Saint Paul Street, Ninth Floor  
Baltimore, MD 21202-1631  
Phone: 410-767-8600  
Fax: 410-333-1841  
Maryland Relay: 7-1-1  
Website: <http://mccr.maryland.gov/> E-mail: [mccr@maryland.gov](mailto:mccr@maryland.gov)

Student or employee complaints relating to Prohibited Conduct may be directed to:

**Office for Civil Rights (OCR)**  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Phone: 215-656-8541  
Fax: 215-656-8605  
TDD: 800-877-8339  
Website: [http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)  
E-mail: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)